

Appl. No. 10/615,510

Attorney Docket No. 8627-227

III. Amendments to the Drawings

The attached sheet of drawings includes a change to Figure 30, and replaces prior sheet numbered 13. Please approve the newly submitted drawing sheet.

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IV. Remarks

By this paper, Applicant is amending claims 1, 2, 7, and 19; withdrawing claims 10-18; and adding claim 21-28. Therefore, after entering this amendment, claims 1-9 and 19-28 are currently pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Information Disclosure Statement

The Examiner objected to a portion of the information disclosure statement filed by Applicant on October 7, 2003 because the information disclosure statement cited two U.S. Applications without referencing a patent number or a publication number. Attached hereto, Applicant submits a supplemental information disclosure statement citing U.S. Pat. No. 6,348,041 which issued from an application assigned U.S. Application Serial No. 09/537,917, and U.S. Pat. No. 6,383,146 which issued from an application assigned U.S. Application Serial No. 09/538,066.

Drawings

Original Figure 30 included two separate elements labeled with numeral 414. Therefore, Figure 30 has been amended to replace numeral 414 with numeral 413 for the line designating wires of decreasing diameter. By this paper, the Specification has also been amended to refer to the wires of decreasing diameter with element 413. No new matter has been added.

Specification

Amended paragraph 83 has been amended to state, "the taper portion 410 can be formed by wires 413 of decreasing diameter" so as to be consistent with Amended Figure 30 and to avoid using numeral 414 to designate two separate elements. No new matter has been added.

Further Claim Clarifications

Prior to discussing the cited references, it is believed that a brief discussion on the current form of claims 1, 2, 7, 19, and 21-28 is warranted. Claims 1, 2, 7, 19

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have been amended to clarify, more particularly to point out and distinctly claim that which Applicants regard as the subject matter of the present invention.

Claims 1, 7, and 19 have been amended to recite a "distal end portion". No new matter is added.

Claim 2 has been amended to recite a "substantially continuous outer diameter". No new matter is added.

Claims 21-28 have been added. Claim 21 includes subject matter similar to claim 8 and therefore no new matter is added. Claim 22 includes subject matter similar to claim 9 and therefore no new matter is added. Claim 23 recites a taper portion having a decreasing outer diameter and a substantially constant inner diameter generally equal to the inner diameter of the guidewire body portion. Figure 31 discloses the subject matter of claim 23 and therefore no new matter is added. Claim 24 includes subject matter similar to claim 20 and therefore no new matter is added. Claim 25 includes subject matter similar to claim 1 and therefore no new matter is added. Claim 26 includes subject matter similar to claim 2 and therefore no new matter is added. Claim 27 includes subject matter similar to claim 3 and therefore no new matter is added. Claim 28 recites that the coating has a substantially smooth outer diameter. Figures 28-32 disclose the subject matter of claim 28 and therefore no new matter is added.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1, 3-6 and 19 under 35 U.S.C. § 102(b) as being anticipated by *Alvarez de Toledo* (U.S. Pat. No. 5,111,829).

Claim 1 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. *Alvarez de Toledo* fails to disclose a body portion having a first diameter, a distal end portion having a substantially constant second diameter less than the first diameter, and a taper portion between the first and second diameters, as recited in claim 1. For example, *Alvarez de Toledo* discloses a wire coil 19 having a first diameter, but fails to disclose a substantially constant second diameter and a tapered portion between the first and second diameter portions. Therefore, claim 1 is not anticipated by *Alvarez de Toledo*.

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Additionally, *Alvarez de Toledo* fails to disclose a multiple filament group of individual wire coils wound adjacent to one another, as recited in claim 1. The Examiner states that this element of claim 1 is disclosed by *Alvarez de Toledo* in column 4, lines 32-35, "[p]latinum coil 19 of distal tip region 20 is a single or multifilar coil of flat or round wire" However, *Alvarez de Toledo* discloses that each individual coil is made of a plurality of wires cooperating to define a single, multifilar wire. Conversely, claim 1 recites a multiple filament group of individual wire coils wound adjacent to one another. Therefore, for this separate and distinct reason, claim 1 is not anticipated by *Alvarez de Toledo*.

Claims 2-9 and 28 each depend from claim 1. Therefore, claims 1-9 and 28 are allowable for at least the reasons discussed above.

Claim 19 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. *Alvarez de Toledo* fails to disclose a body portion having a first diameter, a distal end portion having a substantially constant second diameter less than the first diameter, and a taper portion between the first and second diameters, as recited in claim 19. For example, *Alvarez de Toledo* discloses a wire coil 19 having a first diameter, but fails to disclose a substantially constant second diameter and a tapered portion between the first and second diameter portions. Therefore, claim 19 is not anticipated by *Alvarez de Toledo*.

Additionally, *Alvarez de Toledo* fails to disclose a multiple filament group of individual wire coils wound adjacent to one another, as recited in claim 19. The Examiner states that this element of claim 19 is disclosed by *Alvarez de Toledo* in column 4, lines 32-35, "[p]latinum coil 19 of distal tip region 20 is a single or multifilar coil of flat or round wire" However, *Alvarez de Toledo* discloses that each individual coil is made of a plurality of wires cooperating to define a single, multifilar wire. Conversely, claim 19 recites a multiple filament group of individual wire coils wound adjacent to one another. Therefore, for this separate and distinct reason, claim 19 is not anticipated by *Alvarez de Toledo*.

Claims 20-22 each depend from claim 19. Therefore, claims 19-22 are allowable for at least the reasons discussed above.

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The Examiner rejected claims 1, 3-6, 8, 9, 19, and 20 under 35 U.S.C. § 102(b) as being anticipated by *Tezuka* (U.S. Pat. No. 6,251,085).

Claim 1 recites a body portion having a first diameter and comprising a multiple filament group of individual wire coils wound adjacent to one another. *Tezuka* fails to disclose a body portion having a multiple filament group of individual wire coils wound adjacent to one another, as recited in claim 1. For example, *Tezuka* discloses an inner core 12 made of three wires stranded, or twisted, together. (*Tezuka*, col. 6, lines 46-51). Additionally, *Tezuka* distinguishes between coiled wires and stranded, or twisted, wires by stating, "inner core 12 is formed of a strand without a core member, the transmission ability, which is required during operation, when the guidewire 11 is twisted is more excellent than in the case in which the coiled wire is used for the inner core." (*Tezuka*, col. 7, lines 1-6). Therefore, claim 1 is not anticipated by *Tezuka*.

Additionally, as discussed above, claim 1 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. *Tezuka* fails to disclose a body portion having a first diameter, a distal end portion having a substantially constant second diameter less than the first diameter, and a taper portion between the first and second diameters, as recited in claim 1. For example, *Tezuka* discloses a twisted inner core 12 having an ever-decreasing outer diameter, but fails to disclose a substantially constant second diameter and a tapered portion between the first and second diameter portions. (*Tezuka*, col. 4, lines 54-58). Therefore, for this separate and distinct reason, claim 1 is not anticipated by *Tezuka*.

Claims 2-9 and 28 each depend from claim 1. Therefore, claims 1-9 and 28 are allowable for at least the reasons discussed above.

Claim 19 recites a body portion having a first diameter and comprising a multiple filament group of individual wire coils wound adjacent to one another. *Tezuka* fails to disclose a body portion having a multiple filament group of individual wire coils wound adjacent to one another, as recited in claim 19. For example, *Tezuka* discloses an inner core 12 made of three wires stranded, or twisted, together. (*Tezuka*, col. 6, lines 46-51). Additionally, *Tezuka* distinguishes between coiled wires and stranded, or twisted, wires by stating, "inner core 12 is formed of a strand without a core member, the transmission ability, which is required during

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operation, when the guidewire 11 is twisted is more excellent than in the case in which the coiled wire is used for the inner core." (*Tezuka*, col. 7, lines 1-6). Therefore, claim 19 is not anticipated by *Tezuka*.

Additionally, as discussed above, claim 19 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. *Tezuka* fails to disclose a body portion having a first diameter, a distal end portion having a substantially constant second diameter less than the first diameter, and a taper portion between the first and second diameters, as recited in claim 19. For example, *Tezuka* discloses a twisted inner core 12 having an ever-decreasing outer diameter, but fails to disclose a substantially constant second diameter and a tapered portion between the first and second diameter portions. (*Tezuka*, col. 4, lines 54-58). Therefore, for this separate and distinct reason, claim 19 is not anticipated by *Tezuka*.

Claims 20-22 each depend from claim 19. Therefore, claims 19-22 are allowable for at least the reasons discussed above.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Tezuka* in view of *Cornelius et al.* (U.S. Pat. No. 6,251,085).

Claim 2 depends from claim 1 and therefore *Tezuka* fails to disclose the elements recited in claim 2 for at least the reasons discussed above. Additionally, *Cornelius et al.* fails to cure the deficiencies of *Tezuka*. For example, *Cornelius et al.* fails to disclose a body portion having a multiple filament group of individual wire coils wound adjacent to one another, as recited in claim 1. Therefore, claim 2 is not unpatentable over *Tezuka* in view of *Cornelius et al.*

The Examiner rejected claims 1, 4-7, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Beisel* (U.S. Pat. No. 5,947,940) in view of *Othel-Jacobsen et al.* (U.S. Pat. No. 5,098,374).

Claim 1 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. As indicated by the Examiner, *Beisel* fails to disclose a tapered portion tapering from a first diameter to a second diameter less than the first diameter.

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Othel-Jacobsen et al. fails to cure the deficiencies of *Beisel* because *Othel-Jacobsen et al.* discloses a tapered end coil 1 having an ever-decreasing diameter. (*Othel-Jacobsen et al.*, col. 2, lines 10-15). Therefore, claim 1 is not unpatentable over *Beisel* in view of *Othel-Jacobsen et al.*

Additionally, *Beisel* and *Othel-Jacobsen et al.* each disclose a catheter rather than a guidewire as recited in claim 1, and therefore *Beisel* and *Othel-Jacobsen et al.* are non-analogous references to the invention defined in claim 1. Therefore, for this separate and distinct reason, claim 1 is not unpatentable over *Beisel* in view of *Othel-Jacobsen et al.*

Claims 2-9 and 28 each depend from claim 1. Therefore, claims 1-9 and 28 are allowable for at least the reasons discussed above.

Claim 19 has been amended to recite that the guidewire includes a distal end portion having a substantially constant second diameter that is less than the first diameter. As indicated by the Examiner, *Beisel* fails to disclose a tapered portion tapering from a first diameter to a second diameter less than the first diameter. *Othel-Jacobsen et al.* fails to cure the deficiencies of *Beisel* because *Othel-Jacobsen et al.* discloses a tapered end coil 1 having an ever-decreasing diameter. (*Othel-Jacobsen et al.*, col. 2, lines 10-15). Therefore, claim 19 is not unpatentable over *Beisel* in view of *Othel-Jacobsen et al.*

Additionally, *Beisel* and *Othel-Jacobsen et al.* each disclose a catheter rather than a guidewire as recited in claim 19, and therefore *Beisel* and *Othel-Jacobsen et al.* are non-analogous references to the invention defined in claim 19. Therefore, for this separate and distinct reason, claim 19 is not unpatentable over *Beisel* in view of *Othel-Jacobsen et al.*

Claims 20-22 each depend from claim 19. Therefore, claims 19-22 are allowable for at least the reasons discussed above.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (312) 245-5390, if such communication would expedite this application.

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Respectfully submitted,

July 9, 2007



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Attachments:

Marked-up Annotated Sheet 13
Replacement Sheet 13
Supplemental Information Disclosure Statement

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Patent Application for: ENDOVASCULAR MEDICAL
DEVICE WITH PLURALITY OF WIRES
Inventor(s): HENRIK S. KLINT
Attorney/Agent: No. 8627-227 / Appl. No. 10/815,510
MARKED UP ANNOTATED SHEET 13
13/14

FIG. 30

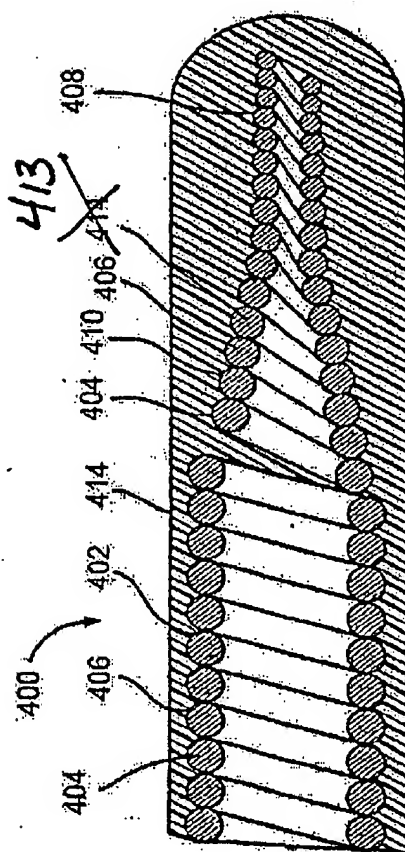


FIG. 31

